

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-3441

UNITED STATES OF AMERICA

v.

JAMES FOWERS,

Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. No. 02-cr-00029E)
District Judge: Honorable Sean J. McLaughlin

Submitted Under Third Circuit LAR 34.1(a)
October 25, 2006

Before: SMITH, FISHER and COWEN, *Circuit Judges*.

JUDGMENT

This cause came on to be considered on the record from the United States District Court for the Western District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on October 25, 2006. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered July 11, 2005, be and the same is hereby AFFIRMED. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron
Marcia M. Waldron, Clerk

Dated: November 3, 2006

**Certified as a true copy and issued in lieu
of a formal mandate on November 27, 2006**

Teste: /s/ Marcia M. Waldron

Clerk, U.S. Court of Appeals for the Third Circuit.